

REMARKS

This is in response to the *Advisory* Office Action, dated September 29, 2004, where the Examiner has rejected claims 1-2, 4-33, 38 and 40-48, and has allowed claims 34-37. By the present amendment, claims 1, 4-6, 18, 19, 23-25, 29, 38 and 40-45 have been amended. After the present amendment, claims 1-2, 4-38 and 40-48 are pending in the present application. Reconsideration and allowance of pending claims 1-2, 4-33, 38 and 40-48 in view of the following remarks are respectfully requested.

A. Claim Objection

By the present amendment, applicant has amended claims 40-44 to depend from claim 39. Further, misnumbered second claim 18 has been renumbered to claim 19. Accordingly, it is respectfully submitted that the Examiner's objection has been overcome.

B. Rejection of Claim 29 under 35 USC § 112, ¶ 2

The Examiner has rejected claim 29 under 35 USC § 112, ¶ 2, as being indefinite. By the present amendment, claim 29 has been amended to replace "the second" with --the second modem--. Applicant respectfully submits that the Examiner's rejection of claim 29 under 35 USC § 112, ¶ 2, has been overcome.

C. Rejection of Claims 1, 2, 4, 5 and 30 under 35 USC § 103(a)

The Examiner has rejected claims 1, 2, 4, 5 and 30, under 35 USC § 103(a), as being unpatentable over Scott, et al. (USPN 5,311,596) ("Scott").

In order to clarify the invention of claim 1, claim 1 has been amended to recite that all the elements of (1) “transmitting a pseudo-randomly generated code word to said second modem”, (2) “receiving a scrambled code word from said second modem, wherein said scrambled code word is generated by scrambling said code word”, (3) “analyzing said scrambled code word”, and (4) “determining if said second modem meets a compatibility criteria based on said analyzing”, occur during the physical handshaking process. It is respectfully submitted that Scott fails to disclose, teach or suggest the invention of claim 1, as amended.

Applicant respectfully directs the Examiner’s attention to Col. 4, lines 37-40 of Scott, which clearly states:

In particular, after establishing the data connection with originating modem 120 in step 305, CPU 210 proceeds to step 310 and sends a request to modem 120 for its modem identification (ID) number, via DSP 250.

Therefore, although applicant disagrees with the Examiner that steps 320-360 of Scott disclose various elements of claim 1, even assuming, arguendo, that the Examiner has a valid position, there is a fundamental difference between steps 320-360 in Fig. 3 of Scott, and claim 1 of the present application. The fundamental difference is that prior to steps 320-360 in Fig. 3 of Scott, in step 304, the modems have already established the data connection and, thus, the subsequent step do not occur during the physical handshaking process.

This significant difference between the invention of claim 1 and Scott is explained in the present application, pages 6-7:

One potential problem that may occur is that non-compatible modems might choose to copy the specific identification codes (or the encoding algorithm) without realizing that such codes may impact the identification process associated with compatible modems. This could lead to misidentification of clients in the field, or misattribution of connectivity problems. One possible solution that could address this

concern is to have the central site modem transmit a pseudo-randomly generated code word that is different on each call during the V.8bis exchange. The client modem could run the received code word through a pre-determined scrambler and transmit it back to the central site. The central site would compare the received code word with what it expects to receive. While it is possible for non-compatible modem manufacturers to discover such encoding techniques, such a discovery would not be easy and would be a time consuming effort. Indeed, the scrambler polynomial and the operation of the identification coding need not be publicized.

Accordingly, applicant respectfully submits that claim 1 should be allowed. Further, claims 2 and 4-5 depend from claim 1 and should be allowed at least for the same reasons.

Further, claim 30 recites in part: “transmitting a first modem manufacturer parameter to said second modem during said physical handshaking process, wherein said first modem manufacture parameter identifies said first modem; receiving a second modem manufacturer parameter from said second modem during said physical handshaking process, wherein said second modem manufacture parameter identifies said second modem.” Accordingly, claim 30 should be allowed for the same reasons stated above, because “transmitting” and “receiving” occur during the physical handshaking process and, further, for similar reasons the Examiner has allowed claim 34, because claim 30 recites “receiving a second modem manufacturer parameter from said second modem during said physical handshaking process, wherein said second modem manufacture parameter identifies said second modem.”

D. Rejection of Claims 6-29, 31 and 32 under 35 USC § 103(a)

The Examiner has rejected claims 6-29, 31 and 32, under 35 USC § 103(a), as being unpatentable over Scott in view of Dudek, et al. (USPN 5,208,812) (“Dudek”). Applicant respectfully submits that claims 6-29 depend from claim 1 and claims 31 and 32 depend from

claim 30, and they should be allowed at least for the same reasons stated above in conjunction with patentability of claims 1 and 30.

E. Rejection of Claims 38, 40-43 and 45-47 under 35 USC § 103(a)

The Examiner has rejected claims 38, 40-43 and 45-47, under 35 USC § 103(a), as being unpatentable over Dudek in view of Scott.

With respect to claim 38, applicant respectfully submits that Dudek states that “the LID code may identify the telepoint company or system with which the handset is registered and through which the use wishes to make the telephone call.” (Col. 44, lines 33-36.) In other words, the LID code transmitted by the handset does not identify the handset, but the LID code identifies the receiving system. For example, Dudek further states that “the handset 11 will transmit a LID code indicating that it wishes to make contact with the specific domestic telephone or private exchange system with which it has been registered.” (Col. 44, lines 26-29.) In sharp contrast to Dudek, however, claim 38 has been amended to recite: “transmitting a first modem manufacturer parameter to said second modem, wherein said first modem manufacture parameter identifies said first modem.” Therefore, unlike the LID code of Dudek, which identifies the remote system, the first modem manufacture parameter of claim 38 identifies the first modem. Further, applicant has also amended claim 38 to state that the elements of “receiving”, “scrambling” and “sending” are performed during the physical handshaking process.

Accordingly, applicant respectfully submits that claim 38 should be allowed. Further, claims 40-43 depend from claim 38 and should be allowed at least for the same reasons. In

addition, claim 45 and its dependent claims 46-47 should also be allowed for at least for the same reasons.

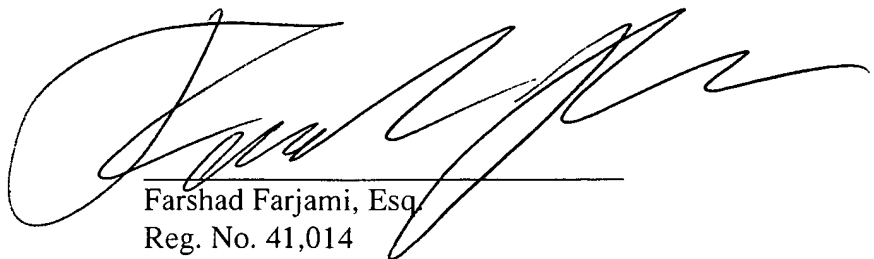
F. Rejection of Claims 33, 44 and 48 under 35 USC § 103(a)

The Examiner has rejected claims 33, 44 and 48, under 35 USC § 103(a), as being unpatentable over Dudek. Applicant respectfully submits that claims 33, 44 and 48 depend from claims 30, 38 and 45, respectively, and should be allowed at least for the same reasons stated above.

G. Conclusion

For all the foregoing reasons, an early notice of allowance for claims 1-2, 4-38 and 40-48 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;
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